

REMARKS

In response to the Office Action dated August 19, 2009, claims 12 and 16 have been amended. Also, claims 1-11 and 24-25 were canceled in a previous amendment, as such, claims 1-10, 12-23 and 26-34 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action rejected claims 12-23 and 26-34 under 35 U.S.C. §103 as allegedly being unpatentable over Thurston et al., U.S. Publication No. 2003/0217193 (hereinafter “Thurston”) in view of Hind et al., U.S. Patent No. 7,069,452 (hereinafter “Hind”) and Shirasawa et al., U.S. Patent Publication No. 2002/0166027 A1 (hereinafter “Shirasawa”).

The Applicants respectfully traverse this rejection based on the amendments to the claims and the arguments below. In particular, the Applicants contend that Thurston in combination with Hind and Shirasawa do not disclose, teach, or suggest all of the features of the Applicants’ independent claims.

Specifically, the Applicants’ independent claims 12 and 16 now include that the status information includes specifying a user of the electronic device that will receive the update package and when to start dispensing the update package. Support for these amendments can be found throughout the specification, and in particular, on page 8 at paragraph 53 of the Applicants’ original patent application, as filed.

In contrast, Thurston merely disclose a firmware image for installation on a hardware device and metadata, wherein the metadata is used to control the installation of the firmware image on the hardware device (see Abstract of Thurston) while Hind simply discloses providing an update window of finite duration during which the programmable memory may be updated and allowing updates of the programmable memory only during the update window (see Summary of Hind).

Further, although Shirasawa disclose updating firmware, Shirasawa is specifically for “updating software” that “...refers to the management table which is stored in the disk array device...” for checking “...to see whether or not there is a hard disk unit 15 with an update status in an unfinished state among the hard disk units 15 which has the necessity of being updated (310)...” (see paragraphs [0047] – [0050] of Shirasawa).

Clearly, this is very different from the Applicants' independent claims that manage the lifecycle of the updating information by changing status information for the lifecycle of the updating information, and enabling and disabling distribution of the updating information according to the status information for the lifecycle of the updating information. For example, Shirasawa updates software specifically for a hard disk, not a user's device, after the hard disk unit is checked for unfinished states, which is very different and unlike the Applicants' independent claims, which now include that the status information includes **specifying a user** of the electronic device that will receive the update package and **when to start dispensing the update package**.

Therefore, when Thurston is combined with Hind and Shirasawa, the combined cited references unquestionably are still missing features of the Applicants' newly amended claims. Hence, since any combination of the cited references do **not** disclose, teach or suggest all of the features of the claims, the combined cited reference cannot render the claimed invention obvious. Consequently, the Applicants respectfully submit that all of the obvious rejections of the claims under 35 U.S.C. §103 are overcome.

With regard to the dependent claims, since they depend from the above-argued respective independent claims, they are therefore patentable on the same basis. (MPEP § 2143.03). Hence, the Applicants submit that all of the pending claims are now allowable.

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly **requests** the Examiner to telephone the Applicant's attorney at **(818) 885-1575**. Please note that all mail correspondence should continue to be directed to:

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Respectfully submitted,
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